

Access to Justice Commission to present report Sept. 14

September 7, 2010

Members of the Access to Justice Commission on Sept. 14 will present to the Mississippi Supreme Court a report of findings from public hearings regarding the difficulties poor people encounter in gaining access to civil legal representation.

The oral presentation will be at 10 a.m. at the Supreme Court Building in Jackson.

The Report of Public Hearings on the Unmet Civil Legal Needs of Low-Income Mississippians outlines ideas of ways to increase free civil legal assistance for the poor, increase funding for legal services programs and help litigants who represent themselves.

A copy of the report is available on the Mississippi Judiciary web site at <http://www.mssc.state.ms.us/reports/NewATJ0Report2.pdf>.

Mississippi Supreme Court Justice Jess H. Dickinson of Gulfport, at whose urging the Access to Justice Commission was formed in 2006, said in the report: "This Commission's overriding objective is to make sure that every citizen of this state, regardless of economic status, has reasonable access to justice and that no one is excluded because they don't have the money to hire an attorney."

The report summarizes the findings of five public hearings held in Gulfport, Greenwood, Oxford, Meridian and Jackson between April 2008 and February 2010. The Mississippi Supreme Court ordered the public hearings to evaluate the scope of needs and recommend solutions.

Gulfport attorney Joy Lambert Phillips, who helped organize the hearings as commission co-chair, said the report reflects the recommendations of many of the people who spoke.

The 48-page report discusses, among other things, increasing funding for Legal Services, encouraging more lawyers to donate legal services through *pro bono* work, assisting people who represent themselves, and heightening public awareness of the availability of legal assistance for poor people.

In Mississippi, approximately 500,000 people live at or below the poverty line, the report said. Low-income Mississippians need legal services in matters that include domestic violence, divorce and child custody, disability, food stamps, housing, Medicaid, foreclosure prevention, contractor fraud and landlord-tenant issues.

Resources to provide civil legal assistance are spread thin. In 2008, when the Access to Justice Commission began holding public hearings, Mississippi ranked 49th in the nation for overall funding for legal services to the poor. Funding and staffing for Legal Services offices decreased while the numbers of people needing help increased. Two Legal Services programs staffed by 31 attorneys turn away one person in need of services for every one they are able to assist.

"The number of people representing themselves in court *pro se* has spiked in the past decade," the report said. Some are ineligible for Legal Services assistance because their earnings are above the poverty line, but they can't afford to hire a lawyer. Legal Services is prohibited by law from handling some kinds of cases. And Legal Services doesn't have enough attorneys to represent all of the people who are eligible.

"More money alone will not solve the problem of unmet civil legal needs," the report said. The recommendations are:

Increase *pro bono* legal services through:

- a better organized and coordinated *pro bono* response;

- better packaging of *pro bono* opportunities, with manuals and standard forms;
- a broader mix of *pro bono* offerings to include matters other than family law;
- tax breaks for attorneys who provide *pro bono* legal services;
- training clerical staff in law firms which do *pro bono* work;
- enabling attorneys to receive credit for handling *pro bono* cases that do not meet Legal Services Corporation guidelines or that are referred through the Mississippi Volunteer Lawyers Project.

Heighten public awareness by:

- community networking to increase public awareness of Legal Services by churches, social service providers, law enforcement, child care centers, and low income people themselves;
- adding information on summonses and other law enforcement or official notices about where to access Legal Services;
- teaching street law and citizenship classes in the schools.

Increase funding through:

- seeking additional funding for Legal Services in Mississippi;
- seeking significant increases in non-Legal Services Corporation funding.

Facilitate *pro se*/self-representation through:

- court-approved forms in libraries for self-representation;
- providing legal clinics;
- streamlining systems to make *pro se* representation more manageable.

Expand general access through:

- traveling legal clinics in rural areas and/or lawyers in courthouses in rural counties at least once a month;
- more bilingual attorneys, particularly those that speak Spanish and Vietnamese;
- creating a capacity to serve individuals and provide systemic advocacy approaches that Legal Services Corporation-funded programs cannot perform due to restrictions.

Other recommendations include:

- loan repayment programs for public interest lawyers;
- state retirement plans for Legal Services lawyers;
- attorney's fees in landlord-tenant and consumer protection cases;
- attorneys for children in *guardian ad litem* proceedings.

The Access to Justice Commission was created by the Mississippi Supreme Court in June 2006 to develop a unified strategy to improve poor people's access to the civil courts. The Commission works to address *civil* legal representation of the poor. It does not deal with indigent criminal defense issues.

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